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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/993,242

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Paul M. LoRocco

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02/13/2003

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EXAMINER

COURSON, TANIA C

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/993,242

Applicant(s)

LOROCCO, PAUL M.

Examiner

Tania C. Courson

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- a) "62" in Fig. 6.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a "shaft" as stated in lines 2 and 4 of claim 16 and line 1 of claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the following as described in the specification:

- a) "shank portion 18" (page 5, line 7).

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction

or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. Claims 1, 15 and 16 are objected to because of the following informalities:
  - a) claim 1, line 5, "a second end" should read "the second end";
  - b) claim 15, line 2, "elongate fiber" should read "elongate light-gathering optical fiber", and;
  - c) claim 16, line 3, "a elongate" should read "an elongate".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 4-9, 11, 20-24 and 26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is confusing as to which Figure the claims pertain to. For example, it is unclear how claim 4, which can only pertain to Figure 5, can be dependent on claims 2-3, which can only pertain to Figure 1. The specification nor the drawings support the combination

of Figures 1 and 5, which would be the only way to read claim 4 and the remainder of the above rejected claims.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. It is not clear how the optical fiber functions without revealing a source of energy and its location on the device as is shown in Figures 5-6, but not shown in Figures 1-4 upon which the claims read upon.

Claims 2, 3, 10 and 12-15 are rejected due to their dependency on claim 1.

Claims 17-19, 25 and 27-28 are rejected due to their dependency on claim 16.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ellig (US 5,862,603). Ellig discloses in Figures 1-2, a sighting indicia comprising:

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With respect to claim 1:

- a) an elongate pin (Fig. 2, sight pin 30) having a first end and a second end (Fig. 2);
- b) an elongate light-gathering optical fiber (Fig. 2, light gathering fiber member 64) having a first end supported at the first end of the elongate pin (Fig. 2) and visible when view a front of the elongate pin (Fig. 1), and having a second end supported at a second end of the elongate pin (Fig. 2) and obscured from view when viewing the front of the elongate pin (Fig. 1).

With respect to the preamble of the claim 1: the preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self – contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 ( CCPA 1951).

11. Claims 16-29, 25 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lorocco (US 5,956,854).

Lorocco '854 discloses in Figures 11-12, a sighting indicia comprising:

With respect to claim 16:

- a) at least one sight pin (Fig. 12, sight 10) having a shaft portion and a base portion (Fig. 12), the base portion adapted to engage the pin holder (Fig. 12) and having an elongate fiber-receiving aperture therein (Fig. 12);

- b) a light-gathering optical fiber (Fig. 12, fiber 20) engaged by the shaft of the at least one sight pin and having one end closely received in the elongate fiber-receiving aperture (Fig. 12);

With respect to claim 17:

- a) wherein the shaft has a fiber-receiving aperture which intimately receives the light gathering optical fiber (Fig. 12);

With respect to claim 18:

- a) wherein the base portion of the sight pin has a rectangular cross-section (Fig. 11):

With respect to claim 19:

- a) wherein the base portion has an axial bore and at least a portion of the axial bore is threaded to receive and engage a threaded male member on the pin holder (Fig. 12).

With respect to claim 25 :

- a) wherein an angle between an axis of the pin and an axis of the fiber-receiving bore is obtuse and when measured between the axis of the fiber-receiving aperture and the base portion (Fig. 12);

With respect to claims 27-28:

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- a) wherein the end of the light-gathering optical fiber received in the fiber-receiving aperture is flared (Fig. 12, second end 24) and wherein the opposing end of the light-gathering optical fiber is flared (Fig. 12, first end 22).

With respect to the preamble of the claim 16: the preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self – contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 ( CCPA 1951).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-3, 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellig in view of TruGlo article supplied in IDS, 1997, pages 4-5 (herein after referred to as Prior Art).

Ellig discloses a sighting indicia, as stated above in paragraph 10. Ellig further discloses



wherein the elongate pin has a cavity in the second end (Fig. 2, bore 42), wherein at least a portion of the cavity is threaded (Fig. 2), further having a support fin (Fig. 2, transparent flange 58) and wherein the light-gathering optical fiber is supported substantially without slack (Fig. 2).

Ellig does not disclose wherein a second end of the light-gathering optical fiber is received in a second end of an elongate pin, wherein the second end of the light-gathering optical fiber is received within a cavity, and wherein the light-gathering optical fiber enters the second end of the elongate pin at an obtuse angle to an axis of the elongate pin as measured between the second end of the elongate pin and the light-gathering optical fiber.

With respect to wherein a second end of the light-gathering optical fiber is received in a second end of an elongate pin, wherein the second end of the light-gathering optical fiber is received within a cavity and wherein the light-gathering optical fiber enters the second end of the elongate pin at an obtuse angle to an axis of the elongate pin as measured between the second end of the elongate pin and the light-gathering optical fiber. The Prior Art teaches fiber optic sight pin that consists of wherein a second end of the light-gathering optical fiber is received in a second end of an elongate pin (page 4, F, Glo Pin), wherein the second end of the light-gathering optical fiber is received within a cavity (page 4, F, Glo Pin) and wherein the light-gathering optical fiber enters the second end of the elongate pin at an obtuse angle to an axis of the elongate pin as measured between the second end of the elongate pin and the light-gathering optical fiber (page 4, F, Glo Pin). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the sighting indicia of Ellig, so as to replace the light-gathering optical fiber support on the second end of the elongate pin of

Ellig with the light-gathering optical fiber support on the second end of the elongate pin, as taught by the Prior art, because both are well known alternate types of sight pin supports which will perform the same function, if one is replaced with the other, of supporting the light-gathering optical fiber onto the elongate pin.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellig in view of Lorocco '854.

Ellig discloses a sighting indicia, as stated above in paragraph 10.

Ellig does not disclose wherein at least one end of an elongate fiber is flared.

Lorocco '854 teaches weapon sight that consists of wherein at least one end of an elongate fiber is flared (Fig. 12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the sighting indicia of Ellig, so as to include at least one end of an elongate fiber is flared, as taught by Lorocco '854., so as to provide a larger dot source of emitted light, or alternatively, an enlarged light-gathering surface (column 4, lines 1-2), in order to enhance the sighting capability during use of sight.

15. With respect to claims 4-9, 11, 20-24 and 26: the prior art of record has not been applied to claims 4-9, 11, 20-24 and 26 due to the confusing description as stated above in paragraph 6.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The prior art cited on PTO-892 and not mentioned above disclose sighting devices:

Lorocco (US 2002/0042999 A1)

Lorocco (US 5,956,854)

BearGoldenEagle Xtreme Fiber Optic Pin article(found via the Wayback Machine Search Engine)

PSE – RS Glo Sight article (found via the Wayback Machine Search Engine)

Hoyt Integra with Tru-Glow sight pins article (found via the Wayback Machine Search Engine)

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (703) 305-3031.

The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (703) 308-3875. The fax number for this Organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



DIEGO F.F. GUTIERREZ  
SUPERVISORY PATENT EXAMINER  
GROUP ART UNIT 2859